

REMARKS

I. PRELIMINARY REMARKS

Claims 15 and 35 have been amended.¹ No claims have been added or canceled. Claims 1-21, 23-28 and 33-55 remain in the application. Reexamination and reconsideration of the application, as amended, are respectfully requested.

Applicant notes with appreciation that claims 1-14, 17-19, 21, 24, 26, 27 and 33-43 have been allowed. Additionally, although not specifically mentioned in the Office Action, it would appear that claims 44-50, which depend from allowed claim 34, and claims 51-55, which depend from allowed claim 35, are also in condition for allowance.

II. CLAIMS 15, 16, 20, 23, 25 AND 28

A. The Rejections

Claims 15, 16, 20, 23 and 25 have been rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 5,281,213 to Milder ("the Milder patent"). Claim 28 has been rejected under 35 U.S.C. § 103 as being unpatentable over the Milder patent. The rejections under 35 U.S.C. §§ 102 and 103 are respectfully traversed with respect to the claims as amended above. Reconsideration thereof is respectfully requested.

B. The Claimed Combinations

Independent claim 15 calls for a combination of elements comprising "a shaft ... including an outer structure," "at least one energy transmission device supported on the outer structure," "***a fluid inlet lumen defined by the outer structure such that a wall having a wall thickness extends from the fluid inlet lumen to the at least one***

¹ The amendment to claim 35 merely corrects a typographical error.

energy transmission device” and “a fluid outlet lumen defined by the outer structure such that **a wall having a wall thickness extends from the outlet inlet lumen to the at least one energy transmission device.”** Claim 15 also indicates that “the fluid outlet lumen is operably connected to the fluid inlet lumen.” The combinations defined by claims 16, 20, 23, 25 and 28 include, *inter alia*, the elements in claim 15.

C. The Milder Patent

The Milder patent discloses a variety of ice mapping and ablation catheters. The catheters include lumens 14 and 16 within a catheter body 18. Electrode 20 is supported on catheter body 18 and electrode 22 is located at the distal end of the catheter body. The lumens 14 and 16 may be respectively used as fluid inlet and outlet lumens (Figure 1) or respectively used as fluid outlet and inlet lumens (Figure 4). The Milder patent refers to such a configuration as a “tube-within-a-tube” configuration. [Column 4, lines 18 and 19.] Additionally, although not illustrated, the Milder patent indicates that a “‘bundle’ of lumens” may be enclosed within the catheter body 18 as an alternative to the “tube-within-a-tube” configuration. [*Id.*]

Applicant respectfully submits that the Milder patent fails to teach or suggest the combination defined by independent claim 15. For example, even assuming for the sake of argument that the inner lumen 14 is defined by the catheter body 18, there is no wall that extends from the lumen 14 to the electrode 20 or electrode 22. Nor is there any indication that the “‘bundle’ of lumens” embodiment mentioned in column 4 would have such a wall associated with either the inlet lumen or the outlet lumen. With respect to the embodiment illustrated in Figure 12, which appears to show the lumen 14 extending to the electrode 22, applicant respectfully submits that this is either an error in the drawings or, if it is not, that the lumens 14 and 16 are not connected to one another in this embodiment.

As the Milder patent fails to teach or suggest the combination of elements recited in independent claim 15, applicant respectfully submits that the rejections of claims 15, 16, 20, 23, 25 and 28 under 35 U.S.C. §§ 102 and 103 should be withdrawn.²

III. CLOSING REMARKS

In view of the foregoing, it is respectfully submitted that the claims in the application are in condition for allowance. Reexamination and reconsideration of the application, as amended, are respectfully requested. Allowance of the claims at an early date is courteously solicited.

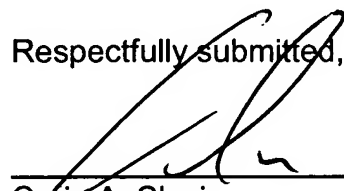
If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is respectfully requested to call applicant's undersigned representative at (310) 563-1458 to discuss the steps necessary for placing the application in condition for allowance.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-0638. Should such fees be associated with an extension of time, applicant respectfully requests that this paper be considered a petition therefor.

2/18/05
Date

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² The statement on page 4 concerning "routine experimentation" is respectively traversed. There is nothing in the Milder patent which indicates that the relationship between the "distance between the inner and outer lumen surfaces" and the "wall thickness" is a results-effective variable.